

**MEMO ENDORSED**

May 22, 2017

BY ECF

The Honorable Valerie Caproni  
United States District Court  
Southern District of New York  
40 Foley Square, Room 240  
New York, New York 10007

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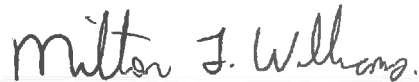
Re: *USA v. Percoco et al.*, Index No. 16-CR-776

Dear Justice Caproni,

On Friday, May 19<sup>th</sup>, 2017, I filed, on behalf of Defendants Joseph Gerardi and Steven Aiello: (1) a Notice of Motion for Dismissal for Prosecutorial Misconduct, Severance, and for a Bill of Particulars (2) a Memorandum of Law in Support of Defendants Gerardi and Aiello's Joint Motion and (3) a Declaration in Support of Defendants Gerardi and Aiello's Joint Motion and corresponding Exhibits A-P, in the above-referenced case. When we filed the motion papers on May 19<sup>th</sup> via ECF, the papers were assigned docket numbers 183 and 218. However, because of an inadvertent filing error, the Memorandum of Law and Declaration in Support of the Motion were attached as exhibits to the Notice of Motion (Dkt. No. 183), rather than filed separately, and ECF directed us this morning to refile these two supporting documents separately. This morning we have refiled (1) the Notice of Motion (2) the Memorandum of Law in Support of Defendants Gerardi and Aiello's Joint Motion and (3) the Declaration in Support of Defendants Gerardi and Aiello's Joint Motion and corresponding Exhibits A-P. They have been assigned docket numbers 236, 237, 238, respectively. This morning, we confirmed with the ECF help-desk that the new categorization of the papers on the docket conforms to their standards.

I am writing to ensure that the motions that were filed on Friday May 19, 2017, and refiled today, are deemed timely with the Court. Please let me know if the Court has any questions.

Respectfully submitted,



Milton L. Williams  
*Attorney for Defendant Joseph Gerardi*

cc (via ECF): AUSA Janis Echenberg  
AUSA Robert Boone  
AUSA David Zhou  
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Michael Miller  
David Hirsch  
Katherine Dubyak  
Daniel Gitner  
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Stephen Coffey  
Scott Iseman  
Daniel Oliverio  
Jessica Masella  
John Hillebrecht  
Timothy Hoover  
Herbert Greenman  
Terrence Connors  
James Grable, Jr.  
Nicholas Romano

Application GRANTED. Docket entry numbers 183 and 218 are STRICKEN as duplicative. Defendants Gerardi and Aiello's joint motion to dismiss [Dkt. 236] is deemed filed nunc pro tunc as of May 19, 2017.

SO ORDERED.



HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE

5/23/2017